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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/692,674	10/27/2003	Satoru Itoh	Q78062	2053
23373	7590	10/04/2004		EXAMINER
SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			NGUYEN, HUNG	
			ART UNIT	PAPER NUMBER
			2851	

DATE MAILED: 10/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/692,674	ITOH ET AL.
Examiner	Hung Henry V Nguyen	Art Unit 2851

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 27 October 2003.

2a)  This action is **FINAL**.                    2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 1-5 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5)  Claim(s) \_\_\_\_\_ is/are allowed.  
6)  Claim(s) 1-5 is/are rejected.  
7)  Claim(s) \_\_\_\_\_ is/are objected to.  
8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on 27 October 2003 is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)  All   b)  Some \* c)  None of:

1.  Certified copies of the priority documents have been received.
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 10/03.

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_ .  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_ .

## **DETAILED ACTION**

### ***Drawings***

1. Figure 2 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.121(d)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

With respect to claim 1, the recitation of "wherein both said laser exposing unit and said heat development unit are disposed at an position where is either upper or lower than said mounting tray" is not clearly understood.

As to claim 4, the recitation of "wherein both said laser exposing unit and said heat development unit are disposed at the position where is upper than said mounting tray" is not clearly understood.

For the purpose of expediting prosecution, the claims are being interpreted in light of the specification under the following art rejections.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Mori et al (U.S. 2002/0001028 A1)

With respect to claims 1 and 4, Mori et al (figure 3) discloses an image recording device comprising all basic features of the instant claim such as: a mounting tray (14) for storing therein a sheet-shaped recording material (12S) which is recorded an image; a laser exposing unit (26)

for forming an image on the recording material by laser irradiation; a heat development unit (18) for thermal developing the recording material on which an image is formed; and a transporting unit (62, 82, 84) for transporting the recording material drawn out from the mounting tray to the heat development unit wherein both the laser exposing unit (26) and the heat development unit (18) are placed above the mounting tray.

As to claim 2, Mori discloses the traveling belt which can be regarded as supporting unit as claimed, for supporting the recording material (12) in a predetermined attitude during the laser irradiation by the laser exposing unit (see figure 3).

As to claim 3, Mori et al further discloses depressing means (80, 82, 84) located to face the supporting plate/traveling belt, for depressing the recording material against the supporting plate/traveling belt.

As to claim 5, Mori teaches the mounting tray (14), the laser exposing unit, and the heat development unit are arranged in the order from a lower side to a upper side of the image recording apparatus.

6. Claims 1-5 are rejected under 35 U.S.C. 102(e) as being anticipated by Harada et al (U.S.Pat. 6,499,893)

With respect to claims 1 and 4, Harada et al (figure 3) discloses an image recording device comprising all basic features of the instant claim such as: a mounting tray (14) for storing therein a sheet-shaped recording material (12S) which is recorded an image; a laser exposing unit (26) for forming an image on the recording material by laser irradiation; a heat development unit (18) for thermal developing the recording material on which an image is formed; and a

transporting unit (62, 82, 84) for transporting the recording material drawn out from the mounting tray to the heat development unit wherein both the laser exposing unit (26) and the heat development unit (18) are placed above the mounting tray.

As to claim 2, Harada et al discloses the traveling belt which can be regarded as supporting unit as claimed, for supporting the recording material (12) in a predetermined attitude during the laser irradiation by the laser exposing unit (see figure 3).

As to claim 3, Harada et al further discloses depressing means (80, 82, 84) located to face the supporting plate/traveling belt, for depressing the recording material against the supporting plate/traveling belt.

As to claim 5, Harada discloses the mounting tray (14), the laser exposing unit, and the heat development unit are arranged in the order from a lower side to a upper side of the image recording apparatus (as clearly illustrated from figure 3).

***Prior Art Made of Record***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Imai et al (U.S.Pat. 5,975,772), and VanDusen (U.S.Pat. 5,146,087) disclose image recording apparatuses, each of which comprises substantially all of the features as recited in the instant claims of the present application.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung Henry V Nguyen whose telephone number is 571-272-2124. The examiner can normally be reached on Monday-Friday (First Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on 571-272-2258. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**Hung Henry V Nguyen  
Primary Examiner  
Art Unit 2851**

hvn  
9/27/04